



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 7347-98
4 May 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 April 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 23 October 1996, the Record Review Panel of the Physical Evaluation Board made preliminary findings that you were unfit for duty because of chronic left hip and pelvic pain, which it rated at 10%. You accepted those findings on 6 November 1996, and were discharged with entitlement to disability severance pay on 30 December 1996. Following your discharge, the Department of Veterans Affairs (VA) granted you a 30% rating under VA code 5255, for malunion of femur with marked knee or hip disability.

The Board noted that the Record Review Panel rated your condition at 10% because of such factors as your mild symptoms, full range of motion, and absence of significant x-ray findings. The Board concluded that you did not meet the criteria for a 30% rating under VA code 5255, because you did not suffer from malunion of the femur or marked hip or knee disability, which are required for that rating. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be

taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director